



California Regional Water Quality Control Board

San Francisco Bay Region



Terry Tamminen
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.swrcb.ca.gov/rwqcb2>

Arnold Schwarzenegger
Governor

Date: NOV 03 2004

File No. 2159.5163 (rlt)

Certified Mail No. 70032260000212595547

David Kim
Division of Financial Assistance
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

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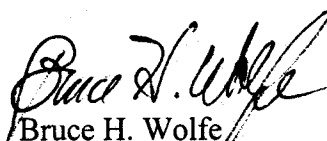
Approval of Marin County Health Declaration of Water Pollution Problem for the East Shore
of Tomales Bay

Dear Mr. Kim:

Enclosed, please find a copy of the signed resolution of our Board's support for the Marin County declaration of a water pollution problem related to sewage disposal for the East Shore community of Tomales Bay. This resolution is needed to allow Marin County to qualify for the Small Community Wastewater Grant program. We look forward to working with you in moving this grant application forward.

If you have any question, please contact Rebecca Tuden at (510) 622-5685, or via e-mail at rlt@rb2.swrcb.ca.gov.

Sincerely,


Bruce H. Wolfe
Executive Officer

Enclosure

Cc: (with enclosure)
Philip D. Smith, Environmental Health Services, County of Marin

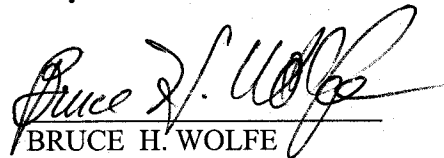
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION R2-2004-0089

SUPPORT FOR THE MARIN COUNTY DECLARATION OF WATER POLLUTION PROBLEM
RELATED TO SEWAGE DISPOSAL FOR THE EAST SHORE COMMUNITY OF TOMALES BAY

- I. WHEREAS, the East Shore Community of Tomales Bay is a small coastal community established on the immediate shores of the mudflats and tidal waters of Tomales Bay in a rural unincorporated area of west Marin County, and;
- II. WHEREAS, the Marin County Public Health Officer and the Department of Health and Human Services (hereinafter Department of Health) has permitting and oversight responsibilities for approximately 95 residences with individual sewage wastewater disposal systems in the community, and;
- III. WHEREAS, the Water Board placed Tomales Bay on the federal Clean Water Act's 303(d) list as impaired for pathogens, nutrients and sediments, and individual wastewater disposal systems were identified as a significant source contributing to the pathogen impairment, and;
- IV. WHEREAS, a risk analysis by the Department of Health identified the East Shore Community as the highest priority risk for potential human health risk from individual on-site wastewater disposal systems due to its proximity to impaired waters, shellfish beds, swimming areas, and poor soils, and;
- V. WHEREAS, a field survey conducted by an independent Consulting Engineer during 2001 and 2002 showed that approximately 25% of the septic systems along the East Shore of Tomales Bay were failing and discharging sewage and an additional 16% of the septic systems along the shoreline were in marginal condition or on holding tanks, and;
- VI. WHEREAS, the field survey concluded that small lots, inadequate setbacks, poor soil conditions, high groundwater and substandard systems are causing system failures, and;
- VII. WHEREAS, Tomales Bay supports the third largest commercial shell fishing industry in the State of California and has six commercial shellfish harvesters located in Tomales Bay. In May of 1998 a viral epidemic affected 171 people who had consumed shellfish harvested from shellfish beds along the East Shore of Tomales Bay. The Department of Health Services traced the outbreak to a virus of human fecal origin and determined that one of the likely causes was substandard and potentially failing septic systems, and;
- VIII. WHEREAS, on October 4, 2004, the Public Health Officer of the County of Marin issued a Declaration stating that there is an existing pollution problem associated with the on-site wastewater disposal systems in the East Shore Community of Tomales Bay, and;
- IX. WHEREAS, this Water Board concurs with the Marin County Public Health Officer Declaration that the present on-site wastewater disposal systems in the East Shore Community of Tomales Bay are contributing to bacterial water pollution, and;
- X. WHEREAS, the County of Marin, with the support of the East Shore Community of Tomales Bay, has applied to the State Water Resources Control Board for a 2004 Small Community Grant to address the problem.

- XI. THEREFORE BE IT RESOLVED, that this Water Board supports the Water Pollution Declaration issued by Marin County Public Health Officer on October 4, 2004.
- XII. BE IT FURTHER RESOLVED, that this Water Board Recommends to the State Water Resources Control Board that the East Shore Community of Tomales Bay be considered for grant assistance under the 2004 Small Community Grant program to plan and construct a small community wastewater collection, treatment and disposal system in the East Shore Community of Tomales Bay.
- XIII. I, Bruce H. Wolfe, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Board, San Francisco Bay Region, on October 20, 2004.


BRUCE H. WOLFE
Executive Officer